

REMARKS

This Amendment is submitted in reply to the Final Office Action mailed on January 6, 2010. No fees are due herewith this Amendment. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00713 on the account statement.

Claims 1-13 are pending in this application. In the Office Action, Claims 1-13 are rejected under 35 U.S.C. §103. Claims 7-13 are rejected under 35 U.S.C. §102. In response, Claims 1 and 6 have been amended and Claims 2 and 7-13 have been canceled without prejudice or disclaimer. The amendments do not add new matter and are supported in the specification at, for example, page 4, lines 18-32; page 7, lines 10-13. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully request that the rejections be reconsidered and withdrawn.

In the Office Action, Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over GB 2116823 to Soukup ("*Soukup*") or U.S. Patent No. 4,041,186 to Evers et al. ("*Evers*"). For at least the reasons set forth below, Applicants respectfully submit that the cited references are deficient with respect to the present claims.

Currently amended independent Claims 1 and 6 recite, in part, methods for increasing the organoleptic properties of a coffee flavor provided in a food or beverage, comprising the step of using about 0.5 ppb to 0.4 ppm of an aroma-providing substance selected from the group consisting of 3-mercapto-2-butanone, 2-mercapto-3-pentanone, 3-mercapto-2-pentanone, and combinations thereof. The amendments do not add new matter and are supported in the specification at, for example, page 4, lines 18-32; page 7, lines 10-13. Applicants have surprisingly found that certain straight chain mercapto-alkanones are surprisingly effective when used alone or in admixture in increasing the organoleptic properties of a coffee flavoring. The aroma-providing substance provides a portion of the flavors or aroma obtained from or that existed in freshly brewed coffee. Certain of these compounds have been proposed as additives for providing meat flavors to foods, and it was to be unexpected that they have the property of increasing the organoleptic properties of a coffee flavor. See, specification, page 3, lines 19-27.

For example, *Soukup* and *Evers* fail to disclose or suggest methods for increasing the organoleptic properties of a coffee flavor provided in a food or beverage, comprising the step of using about 0.5 ppb to 0.4 ppm of an aroma-providing substance selected from the group consisting of 3-mercapto-2-butanone, 2-mercapto-3-pentanone, 3-mercapto-2-pentanone, and combinations thereof as required, in part, by independent Claims 1 and 6. Instead, *Soukup* is entirely directed to the use of 4-methyl-4-mercapto-2-pentanone to add a “catty fruity” flavor note to foodstuffs. See, *Soukup*, Abstract. Nowhere does *Soukup* suggest adding an aroma-providing substance selected from the group consisting of 3-mercapto-2-butanone, 2-mercapto-3-pentanone, 3-mercapto-2-pentanone, and combinations thereof to a food substance, let alone using about 0.5 ppb to 0.4 ppm of the aroma-providing substance.

Evers is entirely directed to flavoring compositions with cyclic 3-furyl sulfides and a co-flavoring adjuvant (co-ingredient) that includes certain mercapto-alkanones. While *Evers* discloses that the compositions may include about 0.0001 ppm to about 250 ppm of 3-furyl sulfides, *Evers* fails to disclose or suggest using any amounts of the co-ingredients, let alone using about 0.5 ppb to 0.4 ppm of the co-ingredients. See, *Evers*, Abstract; column 8, 59-63. Nowhere does *Evers* suggest adding an aroma-providing substance selected from the group consisting of 3-mercapto-2-butanone, 2-mercapto-3-pentanone, 3-mercapto-2-pentanone, and combinations thereof to a food substance, let alone using about 0.5 ppb to 0.4 ppm of the aroma-providing substance. For at least the above-mentioned reasons, Applicants respectfully submit that the cited references are deficient with respect to the present claims.

Accordingly, Applicants respectfully request that the obviousness rejection of Claims 1-13 under 35 U.S.C. §103(a) to *Soukup* or *Evers* be reconsidered and withdrawn.

In the Office Action, Claims 7-13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,773,524 to Katz et al. (“*Katz*”). In response, Applicants note that Claims 7-13 have been canceled without prejudice or disclaimer, thereby rendering the present rejection of Claim 7-13 moot.

Accordingly, Applicants respectfully request that the rejection of Claims 7-13 under 35 U.S.C. §102(b) to *Katz* be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly request an early allowance of the same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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